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Warner-Lambert Company  
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In re Application of	:	
Barth et al	:	DECISION ON
Application No.: 09/869,871	:	
PCT No.: PCT/EP00/00340	:	
Int. Filing Date: 18 January 2000	:	PETITION UNDER
Priority Date: 09 February 1999	:	
Attorney's Docket No.: 6381-08-IM	:	
For: METHOD FOR PRODUCING	:	37 CFR 1.137(b)
SYMMETRICAL AND ASYMMETRICAL	:	
CARBONATES	:	

This decision is in response to applicants' "Petition Under 37 CFR 1.137(b) For Revival Of An Unintentionally Abandoned International Patent Application Designating the U.S.," filed on 02 April 2003.

### **BACKGROUND**

In a decision from this Office on 04 February 2003, the petition filed on 22 July 2002 was dismissed. The decision stated that applicant's representative response- the translation received on 22 July 2002- was considered untimely, and the application was properly abandoned.

On 02 April 2003, applicants filed the instant petition under 37 CFR 1.137(b).

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.


Petitioner has provided: (1) the proper reply by submitting the in the form of a translation of the application into English, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

**DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 date of this application is **22 July 2002**.

  
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